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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

OCT 04 2001

JOSEPH FIDTLER,

Plaintiff,

v.

PA DEPARTMENT OF CORRECTIONS,
CHARLES STROUP, KAREN ROGERS,
CHARLES MCCLOSKEY,
RAY SMITH,

Defendants

MARY E. D'ANDREA, CLE
Per 9/8
DEPUTY CLERK

Civil Action No. 1:CV-01-0955

(Judge Kane)

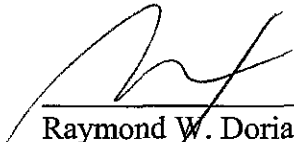
(Magistrate Judge Smyser)

DEFENDANTS' MOTION TO STAY CASE MANAGEMENT ORDER

AND NOW, come the Defendants, Pennsylvania Department of Corrections, et al., by and through their attorney, Raymond W. Dorian, Assistant Counsel, and request the Court to stay its Case Management Order dated June 6, 2001. In that Order, the Court required that Consent to Magistrate forms be filed on or before October 5, 2001. In the Report and Recommendation dated July 10, 2001, it was recommended that Defendants' Motion to Dismiss Plaintiff's Complaint be granted and the case file be closed. To date, Judge Kane has not ruled on the Report and Recommendation. It is requested that the Case Management Order be stayed pending the Court's decision on the Report and Recommendation.

WHEREFORE, the Defendants request that their Motion to Stay Case Management Order be granted.

Respectfully submitted,



Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. 48148

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: October 4, 2001

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH FIDTLER,

Plaintiff,

V.

PA DEPARTMENT OF CORRECTIONS, :
CHARLES STROUP, KAREN RODGERS, :
CHARLES MCCLOSKEY, and :
RAY SMITH, :

Defendants

Civil Action No. 1:CV-01-0955

(Judge Kane)

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion to Stay Case Management Order upon the person(s) and in the manner indicated below.

Service by first-class mail
addressed as follows:

Joseph Fiddler, CD-2250
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

Janelle C. Stapleton
Clerk Typist 2

PA Department of Corrections
Office of Chief Counsel
55 Utlely Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: October 4, 2001